S.B. Criminal Misc. Bail Application No.3705/2006
S.B. Criminal Misc. Bail Application No.3716/2006

Date : 29.08.2006.

HON'BLE MR. SATYA PRAKASH PATHAK, J.

Mr. Shambhoo Singh for the applicants.
Mr. V.R. Mehta, Public Prosecutor.

Both these matter under Section 439 Cr.P.C. have been filed against FIR No.149/2006 Police Station Gogunda, District Udaipur. Since, both the applications, arise out of same FIR, they are being disposed of by this common order.

I have heard learned counsel for the applicants as well as the learned Public Prosecutor for the State and carefully gone through the impugned order.

Learned counsel for the applicants submits that the applicants are Bhil by caste and allegation against them are that they set on fire houses of villagers. He submits that investigation has been completed in the case and traditions exists in their community for taking revenge if somebody is killed or murdered. He submits that all the applicants are very

poor and even they have nothing to maintain themselves. In last, he submits that the applicants are in jail, therefore, they may be enlarged on bail.

On the other hand, learned Public Prosecutor has opposed the bail application.

I have considered the submissions made before me and carefully perused the material available on record.

Taking into consideration the overall facts and circumstances of the present case, I think it just and proper to enlarge the accused applicants on bail.

Accordingly, the bail application filed under Sec. 439 Cr.P.C. is allowed and it is directed that the applicants (1) Vaina son of Umeda Gameti (2) Ganesh son of Champa Gameti (3) Sala alias Tulchha son of Dhula Gameti (4) Ganesh son of Jaita Gameti (5) Dola son of Deva Gameti (6) Manna alias Manna Lal son of Daula Gameti (7) Parata son of Moti Gameti (8) Khema son of Amara Gameti (9) Tulsi Ram son of Kana

Gameti (10) Sava son of Rama Gameti (11) Rama son of Kana Gameti (12) Pada son of Amara Gameti (13) Chuna son of KhemaGameti (14) Kanna son of Chaina Gameti (15) Dalu alias Dal Chand son of Heera Gameti (16) Galaba alias Gala son of Dhula Gameti (17) Chatara son of Maing Gameti (18) Naru son of Vakata Gameti (19) Puna son of Pada Gameti (20) Kamala son of Surata Gameti (21) Lahara son of Parata Gameti (22) Vala son of Nanda Gameti (23) Khuma son of Pada Gameti and (24) Ashiya son of Goda Gameti shall be released on bail in FIR No.149/2006 Police Station Gogunda, District Udaipur, provided each of them executes a personal bond in the sum of Rs.30,000/- with two sound and solvent sureties in the sum of Rs.15,000/- each to the satisfaction of learned trial court for their appearance before that court on each and every date of hearing and whenever called upon to do so till the completion of the trial.

(SATYA PRAKASH PATHAK), J.

vijayant